

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the December 18, 2012 meeting be approved as received. Motion carried.

**MAYOR’S REPORT**

Mayor McKenzie extended best wishes for the New Year and is confident that 2013 will be as productive as 2012.

**UNFINISHED BUSINESS**

ZONE CHANGE - 891 IVY AVENUE - R-1A TO R-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOT 18 ON THE PLAT OF ALTENHEIM (891 IVY AVENUE) FROM R-1A SINGLE FAMILY RESIDENTIAL TO R-2 TWO FAMILY RESIDENTIAL.

The ordinance was read a second time by title. Mr. Miller moved, seconded by Mr. Henry, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

AMENDING CODIFIED ORDINANCES - ARTICLES 1339.05(a); ARTICLE 1339.06 (a) AND ARTICLE 1339.07

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1339.05 (a), D-1 DOWNTOWN, HIGH DENSITY; ARTICLE 1339.06 (a), D-2 DOWNTOWN, MEDIUM DENSITY AND ARTICLE 1339.07, D-3 RIVERFRONT DISTRICT OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING TO DELETE LANGUAGE THAT RESTRICTS RESIDENTIAL LIVING ON FIRST FLOORS.

The ordinance was read a second time by title. Mr. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

DUMP TRUCK, INC. - 2012 BUILDING DEMOLITION

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$36,090.00 WITH DUMP TRUCK, INC., OF WHEELING, WV, FOR 2012 BUILDING DEMOLITION, TO BE CHARGED TO CDBG 2011 EY DEMOLITION #1503-011-200.

The ordinance was read a second time by title. Mr. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

EDGCO, INC. - 2012 ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$9,185.00 WITH EDGCO, INC., OF LANSING, OH, FOR 2012 ASBESTOS ABATEMENT, TO BE CHARGED TO CDBG 2011 EY DEMOLITION #1503-011-200.

The ordinance was read a second time by title. Mr. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

AMENDING AGREEMENT - CT CONSULTANTS - PROFESSIONAL SERVICES - WATER DEPT.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE EXHIBIT K1, AMENDMENT 1, TO THE JULY 18, 2007 AGREEMENT WITH CT CONSULTANTS, INC., OF MENTOR, OH, AND WHEELING, WV, FOR MODIFIED AND ADDITIONAL PROFESSIONAL SERVICES ASSOCIATED WITH WATER TREATMENT PLANT CONSTRUCTION FOR

THE CITY OF WHEELING’S WATER DEPARTMENT, AT A  
COST NOT TO EXCEED \$2,370,000.00.

The ordinance was read a second time by title. Mr. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7  
NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Historic Landmarks Commission Minutes - 11/01/12; Planning Commission Minutes - 11/19/12; Wheeling Housing Authority Minutes - 10/17/12; CDBG Program Status Report - 11/30/12; HOME Program Status Report - 11/30/12; CDBG Building Demolition Status Report - 12/11/12; Financial Statement - 11/30/12, which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Fahey inquired about the 10 Year Comprehensive Plan for Planning and Zoning. City Manager Robert Herron said that cities are required by law to have a Comprehensive Plan which is strictly for planning and zoning purposes. Mr. Atkinson commented that he is serving on the committee that is working on the Comprehensive Plan and indicated that they are close to preparing a draft for review.

**REPORT OF COMMITTEES**

**FINANCE COMMITTEE REPORT - DECEMBER 18, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, December 18, 2012 at 5:00 p.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Public Works Director Rusty Jebbia, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

**Financial Statement - November 30, 2012**

City Manager Herron reported that the general fund balance is approximately \$1,966,000, a difference of about \$900,000 compared to last year. This is partially due to the fact that there were three pays in November and also a transfer of \$340,000 was made to the pension fund which is usually done in December. He noted, that from a revenue and expenditure perspective, we are right on budget. Mr. Herron reviewed various line items with the Committee. Following this discussion, Mr. Miller moved, seconded by Mr. Atkinson, to accept the November Financial Statement as presented. Motion carried. Following this, City Manager Robert Herron respectfully requested an Executive Session to discuss pending litigation.

The Committee moved acceptance of this portion of the report. Motion carried.

**Executive Session - Discussion on Pending Litigation**

Mr. Atkinson moved, seconded by Mr. Miller, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 5:05 p.m.

Mr. Miller moved, seconded by Mr. Atkinson to resume the regular order of business. Motion carried. Time: 5:16 p.m.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 5:16 p.m.

The Committee moved acceptance of the entire report. Motion carried.

### **REPORT OF CITY MANAGER**

City Manager Herron reported that the next meeting will be held in the new City Council Chambers on the first floor on January 15, 2013 at 5:30 p.m.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 11/14/12; Wheeling Traffic Commission Minutes, 12/13/12; Wheeling Municipal Parking System Financial Statement, 11/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 11/30/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

ADOPTING TRAFFIC RULE NO. 4418 - HANDICAPPED PARKING ZONE - 220 JEFFERSON AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4418.

ADOPTING TRAFFIC RULE NO. 4419 - HANDICAPPED PARKING ZONE - 3 RICHMOND AVE.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4419.

ADOPTING TRAFFIC RULE NO. 4420 - 5 HR. PARKING METER ZONE - N. SD. OF 17<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4420.

ADOPTING TRAFFIC RULE NO. 4421 - UNRESTRICTED PARKING ZONE - 50 GAEWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4421.

RESOLUTION - BANK OF NEW YORK MELLON - HUD 108 PROGRAM REPAYMENT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING AUTHORIZING THE CITY MANAGER TO  
EXPEND FUNDS IN THE AMOUNT OF \$32,936.25 FROM  
CDBG SECTION 108 LOAN PAYMENT - #1513-011-140  
(\$2,840.00) AND #1513-012-140 (\$30,096.25) FOR COSTS  
ASSOCIATED WITH HUD 108 PROGRAM.

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.  
Motion carried.

**RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - COMBINED**  
**WATERWORKS & SEWERAGE SYSTEM - SERIES 2010B (WPCD)**

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING APPROVING INVOICES RELATING TO THE  
CONSTRUCTION AND OTHER SERVICES FOR THE  
WASTEWATER PROJECT AND AUTHORIZING PAYMENT  
THEREOF.

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.  
Motion carried.

In response to a question from Mr. Miller in regard to Item 9/3, Traffic Rule No.  
4420, Mr. Herron confirmed that they are requesting five hour meters.

**THOSE WISHING TO BE HEARD**

There being no further business, Mr. Atkinson moved, seconded by Mrs.  
Delbrugge, to adjourn. Motion carried. time: 12:30 p.m.

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City Clerk

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Mayor